

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER DENYING PLAINTIFF'S
"MOTION TO COMPEL NO. II"**

[Docket No. 113]

Defendant.

This is a consolidated action for alleged employment discrimination filed by plaintiff Piotr Gardias, who is proceeding pro se. Presently before this court is plaintiff's "Motion to Compel No. II." In it, he seeks an order compelling responses to two letters that he apparently sent to defense counsel on August 30, 2006 and September 13, 2006. Indeed, at a status conference held on January 9, 2007, plaintiff indicated that he would like answers to his written correspondence. The time for filing any opposition or reply brief concerning the instant motion has passed, and none has been filed. Nevertheless, the court deems this matter suitable for determination without oral argument, and the January 30, 2007 hearing is VACATED. See Civ. L.R. 7-1(b).

Here, the referenced letters appear to comprise plaintiff's meet-and-confer

1 correspondence on various discovery issues. Motions to compel usually are brought to enforce
2 a party's compliance with its discovery and disclosure obligations under the Federal Rules of
3 Civil Procedure (e.g., to produce documents, answer interrogatories, appear for deposition,
4 etc.). Such motions generally are not brought to compel responses to meet-and-confer
5 correspondence. The court suggests that, instead of moving to compel responses to letters,
6 plaintiff's time will be better spent focusing on his actual discovery requests. Accordingly,
7 plaintiff's motion to compel is DENIED.

8 Nonetheless, as discussed at the January 9, 2007 status conference, if plaintiff believes
9 that defendant has not complied with its disclosure obligations under the Federal Rules or that
10 its responses to his discovery requests are deficient, he may bring the matter to the court's
11 attention by filing and serving a motion in compliance with Federal Rule of Civil Procedure 37
12 and Civil Local Rules 7 and 37. However, the court expects both parties to meet-and-confer
13 with one another in good faith to resolve the issues before any such motion is filed. See
14 FED.R.CIV.P. 37(a)(2); Civ. L.R. 37-1(a).

15 IT IS SO ORDERED.

16 Dated: January 17, 2007


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18 HOWARD R. LLOYD
19 UNITED STATES MAGISTRATE JUDGE
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A copy of this document will be mailed to:

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Counsel for Defendant

Dated: 1/17/07

/s/

Chambers of Magistrate Judge Lloyd